

1979 WL 42911 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 6, 1979

\*1 Mr. John Hamilton  
Director  
S. C. Aeronautics Commission  
P. O. Box 1769  
Columbia, South Carolina 29202

Dear Mr. Hamilton:

Reference is made to your request for opinion whether the aircraft owned by the Athletic Department of the University of South Carolina is a State-owned aircraft. The enclosed correspondence from Athletic Director Carlin, dated October 23, 1978, reflects that the Athletic Department transferred \$59,500.00 to the Carolina Research and Development Foundation for the purchase of the aircraft in question in 1968. The title to the aircraft is in the University's Athletic Department. The Athletic Director recognizes that the aircraft is a State-owned aircraft and I agree that it is immaterial whether the purchase of the aircraft was from appropriated or non-appropriated funds.

I also enclose copy of letter dated October 24, 1978, from University Counsel Phillip M. Grier, to the effect that the Athletic Department of the University of South Carolina is a part of the University organization. The University, itself, was created by Act of the General Assembly (see [Section 59-117-10, et seq., S. C. Code](#) 1976). The University is defined as a State institution. [Section 59-107-10 of the 1976 Code](#). The University Athletic Department was established under the general powers conferred upon the University and exists as a Department of the University. The Athletic Department is not separately incorporated and is considered part of the University. The fact that the Athletic Department is supported primarily by nonappropriated or self-generated funds is immaterial since physical equipment purchased and owned by the Athletic Department is considered to be owned also by the University, which makes such physical equipment State-owned for purposes of considering the Athletic Department's aircraft. Moreover, the present General Appropriations Act reflects the requirement of logs for State aircraft except the University and Clemson Athletic Department aircraft, thereby impliedly recognizing the University Athletic Department's plane as State-owned.

It is the considered opinion of this Office that the aircraft owned by the Athletic Department of the University of South Carolina is a State-owned aircraft. I am also of the opinion that the aircraft owned by Clemson's University's Athletic Department, or by Clemson University, is also a State-owned aircraft.

Yours very truly,

Victor S. Evans  
Deputy Attorney General

1979 WL 42911 (S.C.A.G.)

---

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.